

Docket AUS920030533US1

Appl. No.: 10/666,867
Filing Date: 09/18/2003**REMARKS****Posture of the Case**

This is a reply to a first Office action in which the Examiner rejected all claims. Claims 1-3, 5, 7, 11, 13-16, 18, 19, and 21 are rejected under 35 USC 103(a) as being unpatentable over US Patent Application 2003/0,104,843 (Geren) in view of US Patent Application 2004/0,204,168 (Laurila). Claims 4 and 20 are rejected under 35 USC 103(a) as being unpatentable over Geren in view of Laurila, and further in view of US Patent Application 2004/0,219,953 (Deeds). Claims 6 and 8-10 are rejected under 35 USC 103(a) as being unpatentable over Geren in view of Laurila and further in view of US Patent 5,404,391 (Wavroch). Claim 12 is rejected under 35 USC 103(a) as being unpatentable over Geren in view of Laurila and further in view of US Patent Application 2003/0,032,460 (Cannon).

Applicant's Actions herein

Applicant herein cancels claims 13-17. Applicant respectfully disagrees with the rejections of claims 1-2 and 18-21 and submits those claims are patentably distinct, as explained below.

In addition, Applicant herein corrects informalities in claims 1, 2 and 4. That is, in claim 1, Applicant herein adds an inadvertently omitted "and." In claim 2, Applicant herein adds "port" in order to be consistent with claim 3, and provide antecedent basis therefor. In claim 4, Applicant herein corrects inconsistent spelling of "device."

Also, Applicant herein adds new claims 22-24. No new matter is added, since support for these claims is found in original claims 2-3.

Arguments Regarding Independent Claims 1 and 18

The present application claims an assembly including an audio system and "a control system . . . enabled to respond to a signal indicative of an incoming call . . . to *any of two or more wireless devices* within the motor vehicle . . . to mute the output of the audio system." Present application, claim 1 (emphasis added). Similarly, the present application claims an assembly including means for detecting a *signal generated by any of two or more wireless communication devices . . .*, " etc. Present application, claim 18 (emphasis added). The Office action relies on Laurila, paragraph 32 and Geren abstract and paragraphs 20, 22, 25 and 26 regarding the rejection of claims 1 and 18 in the present case. However, the references relied upon in the

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rejection of claims 1 and 18 teach muting responsive to an incoming call on a *single* wireless communication device.

Geren concerns muting a radio, where a wireless communications device is coupled to the radio by a wired connection. See, for example, Geren, paragraphs 15-21 and FIG. 1. Geren, abstract and paragraphs 20 - 26

Laurila concerns muting a portable audio device, such as a radio headset, in connection with a wireless communication device. See, for example, Laurila, paragraph 5 and FIG. 1. Laurila, paragraph 32 concerns details of how a portable audio device is muted responsive to an incoming call. In particular, the passage teaches that audio gateway pico-area network ("PAN") circuitry sends a ring signal to headset PAN circuitry, which causes the headset PAN circuitry to mute.

The cited passages do not teach or suggest responding to an incoming call to any of *two or more* wireless devices, as in claim 1 of the present case. Nor do they teach or suggest detecting a signal generated by any of *two or more* wireless communication devices, as in claim 18. It is advantageous to mute an audio system or otherwise respond to or detect incoming calls on any of *two or more* wireless communication devices because there may be two or more wireless communication devices in a single vehicle. Present application, page 3, lines 22-26 (discussing responding to two or more devices); page 4, lines 18-20 (discussing an audio detector in each seat). The cited art does not enable this. The cited art alone or in combination does not even suggest this feature.

Arguments Regarding Dependent Claims 2-12 and 19-24

Applicant submits that dependent claims 2-12 and 19-24 are allowable at least because they depend on respectively allowable independent claims. In addition, the present application also claims features in the dependent claims that further distinguish the invention and relate to various problems it addresses. For example, vehicles may carry an unpredictable variety of passengers. Correspondingly, the variety of passengers may have a variety of wireless communications devices, e.g., cell phones. It is advantageous to respond to an *audible* ringing signal, and, likewise, to include audio detectors, because this enables use of the claimed apparatus with whatever cell phones are carried by passengers in a vehicle without adaptation of those cell phones. See, e.g., present application, page 4, lines 20-26 (discussing training the

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apparatus to recognize audible ring tones). The cited art, alone or in combination, does not enable this advantageous result or even suggest this feature.

More specifically, the present application claims, for example, "the indicative signal [i.e., the signal indicative of the incoming call or message to which the response of claim 1 occurs] is a *ringing* signal produced by any of the two or more of the wireless devices." Present application, claim 2 (emphasis added). Moreover, the claim makes it clear the ringing signal is an *audible* ringing signal, since the claim states "the control system includes an *audio input port to detect the ringing signal*." Present application claim 2 (emphasis added). New claim 22 has similar language. That is, claim 22 indicates the generated signal includes an audible signal. New claim 23 has similar language regarding an audio input port.

Likewise, the present application claims the assembly includes "a set of audio detectors positioned within the vehicle to detect the ringing of any of the wireless devices, each of the audio detectors being coupled to the audio input port." Present application, claim 3. New claim 24 has similar language.

In addition, the present application claims "the control system is further enabled to learn characteristics of the ringing signal of a particular wireless device." Present application, claim 4.

Regarding claim 2, the Office action relies on Laurila, paragraph 32. As explained herein above, the cited passage concerns details of how a portable audio device is muted responsive to an incoming call. In particular, the passage teaches that audio gateway pico-area network ("PAN") circuitry 82 sends a ring signal to headset PAN circuitry 50, which causes the headset PAN circuitry 50 to mute FM radio signals to the speaker of the headset. In addition, the passage teaches that the ring tone heard at the speaker 42 of the headset 30 may be generated by the headset 30. It is, therefore, clear that the cited passage does not teach or suggest the muting is responsive to a incoming call signal that is an *audible ringing* signal, as in claim 2 of the present case.

Regarding claim 3, the Office action relies on Laurila, paragraph 30. However, Applicant is unable to find any teaching or suggestion in the passage that an assembly includes *audio detectors* within a vehicle to detect ringing, as in claim 3.

Regarding claim 4, the Office action relies on Deeds, paragraphs 28 and 52. However, Deeds concerns the difficulty users have in customizing their ring tones because the

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customization steps and cell phone interfaces tend to be complicated. Deeds, paragraph 0003. Deeds teaches that a cell phone ring tone may be automatically customized by merely setting the ring tone responsive to a unique identifier of the cell phone. Deeds, paragraph 0006. This identifier could be the cell phone's assigned telephone number. Deeds, paragraph 0027. One of the cited passages concerns automatically selecting one of 10 ring tones stored in the cell phone's memory, where the selecting is responsive to the cell phone's unique identifier. Deeds, paragraph 0028. These passages do not teach or suggest a control system that learns characteristics of a ringing signal of a particular wireless device, as in claim 4, particularly where it is clear the ringing signal is an audible signal since it is detected by an audio detector of the claimed apparatus, as stated in claims 2 and 3.

PRIOR ART OF RECORD

Applicant has reviewed the prior art of record, including both that which is cited and relied upon and that which is cited but not relied upon by Examiner, and asserts that the invention is patentably distinct.

REQUESTED ACTION

Applicant submits that the invention as claimed in accordance with amendments submitted herein is patentably distinct, and hereby requests that Examiner grant allowance and prompt passage of the application to issuance.

Respectfully submitted,



Anthony V. S. England
Attorney for Applicant
Registration No. 35,129
512-477-7165
a@aengland.com